IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1313 OF 1990

Mrs.Snigdha Basu. ...Petitioner
V/s
Union of India & Ors. ...Respondents

Mr.J.P. Shah i/b. M/s.Kamal & Co. for Petitioner.
Mr.P.S. Jetly for Respondents.

CORAM : S. RADHAKRISHNAN AND
A.S. AGUIAR, JJ.
DATED : JUNE 15, 2005.

P.C. :-

1. Heard learned Counsel for the parties.

2. By this petition, the petitioner is seeking to challenge the levy of interest as per provisions of Section 59, 60 and 61 of the Customs Act.

3 There is no dispute as far as goods which were meant for re-export, no duty was payable when the goods were removed from the warehouse. However, the petitioner seems to have sought some extension for continuing the bond period. In the light of the above, respondents seems to have demanded interest for the aforesaid total period.

4. However, now both the learned Counsel for the petitioner and the learned Counsel for the respondent categorically state that the above issue has now been conclusively decided by the Hon'ble Supreme Court in **Pratibha Processors and Ors. V/s. Union of India & Ors. reported in AIR 1997 SUPREME COURT 138** wherein the Supreme Court while interpreting Section 61(2) of the Customs Act has clearly held that in the event no duty is payable, then in that case there is no question of levying any interest on the said goods.

5. In the aforesaid facts and circumstances and especially in view of the aforesaid judgment, respondents are restrained from charging any interest under Section 61(2) of the Customs Act in respect of goods imported by the petitioner under the clause 11(1)(d) of Import Control (Order) 1955.

. Rule is accordingly made absolute.

(S. RADHAKRISHNAN, J.)

(A.S. AGUIAR, J.)